



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

March 15, 1993

Mr. Alfred F. Hurley  
Chancellor  
University of North Texas  
College of Osteopathic Medicine  
P.O. Box 13737  
Denton, Texas 76203-3737

Letter Opinion No. 93-23

Re: Whether certain disabled individuals in a state university vocational training program are "employees" under V.T.C.S. article 8309g, (relating to workers' compensation coverage) (RQ-74)

Dear Mr. Hurley:

You have inquired as to the proper construction of V.T.C.S. article 8309g, section 1, subsection 2(C), which defines who are and who are not state employees covered under the state's workers' compensation insurance program. Your question is whether certain handicapped individuals referred by the Denton State School who are employed in your Vocational Rehabilitation Center's training program are state employees for purposes of the workers' compensation plan. We conclude that they are not.

Article 8309g, section 1, subsection 2 excludes such persons from coverage under the state employee workers' compensation plan explicitly:

(2) The word "employee" shall not include:

....

(C) Persons who are at the time of injury performing services for the federal government and who are covered by some form of federal workers' compensation . . . ; prisoners or inmates of a prison or correctional institution; clients or patients of any state institution or agency.

As you note in your letter, patients of the Denton State School are "clients or patients of [a] state institution or agency." You suggest, however, that the legislature cannot have intended to exclude such persons as those in your vocational training program from coverage. You suggest, in effect, that subsection 2(C) should be subject to an implicit limiting construction such as "clients or patients of any state institution or agency, save and except those employed by the state outside the grounds of the institution where they reside." While there are, as you suggest, equitable arguments for such a construction, and while the legislature may not have intended to exclude "mainstreamed" patients of state institutions from workers' compensation coverage, since subsection 2(C) predates the practice of mainstreaming, these arguments, regrettably, are better addressed to the

legislature. In this case, the words and meaning of the statute are plain and must be given their plain effect.

**S U M M A R Y**

Clients or patients of state institutions who are participating in a state university vocational training program are not state employees for the purposes of the state workers' compensation program, V.T.C.S. article 8309g, section 1.

Yours very truly,

A handwritten signature in cursive script, reading "Mary R. Crouter".

Mary R. Crouter  
Assistant Attorney General  
Opinion Committee